



ENGROSSED 1995 SENATE BILL 572

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1 **AN ACT to renumber and amend** 111.335 (1) (cm); **to amend** 111.335 (1) (c); and
2 **to create** 111.335 (1) (cg) and 111.335 (1) (cm) 2. of the statutes; **relating to:**
3 conviction record discrimination.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1995 Senate Bill 572 consists of the following documents adopted in the senate on March 27, 1996: the bill as affected by Senate Amendment 2 (as affected by Senate Amendment 1 thereto).

Content of Engrossed 1995 Senate Bill 572:

Subject to certain exceptions, current law prohibits discrimination in employment, licensing and labor organization membership based on arrest record or conviction record. Under those exceptions, it is not discrimination to refuse to employ an individual who is subject to a pending criminal charge or who has been convicted of an offense if that charge or offense is substantially related to that particular job, or to refuse to employ an individual who is not bondable because of conviction record if bondability is required by law or established business practice for that job.

This bill expands the exceptions to the prohibition against discrimination in employment based on a conviction record so that it is not employment discrimination based on a conviction record to refuse to employ, or to bar or terminate from employment, any person who meets any of the following conditions:

1. Has been convicted of a misdemeanor or other offense that carries a penalty of less than 9 months in a county jail if the circumstances of the offense substantially relate to the circumstances of the particular job.

2. Has been convicted of a felony, misdemeanor or other offense that carries a penalty of at least 9 months in a prison or county jail if the circumstances of the offense substantially relate to the circumstances of the particular job.

3. Within the past 5 years, has been convicted of a felony, misdemeanor or other offense that carries a penalty of at least 9 months in a prison or county jail and has not been pardoned.

4. Within the past 5 years, has served a sentence in a prison or jail for a felony, misdemeanor or other offense that carries a penalty of at least 9 months in a prison or county jail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 111.335 (1) (c) of the statutes is amended to read:

2 111.335 (1) (c) Notwithstanding s. 111.322, it is not employment discrimination
3 because of conviction record to refuse to ~~employ or~~ license, or to bar or terminate from
4 ~~employment or~~ licensing, any individual who:

5 1. Has been convicted of any felony, misdemeanor or other offense the
6 circumstances of which substantially relate to the circumstances of the particular job
7 ~~or~~ licensed activity; or

8 2. Is not bondable under a standard fidelity bond or an equivalent bond where
9 such bondability is required by state or federal law; or administrative regulation ~~or~~
10 ~~established business practice of the employer.~~

11 **SECTION 1m.** 111.335 (1) (cg) of the statutes is created to read:

12 111.335 (1) (cg) Notwithstanding s. 111.322, it is not employment
13 discrimination because of conviction record to refuse to employ, or to bar or terminate
14 from employment, any individual who has been convicted of any misdemeanor or
15 other offense that carries a penalty of less than 9 months in a county jail the
16 circumstances of which substantially relate to the circumstances of the particular
17 job.

18 **SECTION 2d.** 111.335 (1) (cm) of the statutes is renumbered 111.335 (1) (cm)
19 (intro.) and amended to read:

1 111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment
2 discrimination because of conviction record to refuse to employ ~~as an installer of~~
3 ~~burglar alarms, or to bar or terminate from employment,~~ a person who has been any
4 of the following:

5 1. Within the past 5 years, convicted of a felony, misdemeanor or other offense
6 that carries a penalty of at least 9 months in a prison or county jail and has not been
7 pardoned or has served a sentence in a jail or prison within the past 5 years for an
8 offense identified in this paragraph.

9 **SECTION 3m.** 111.335 (1) (cm) 2. of the statutes is created to read:

10 111.335 (1) (cm) 2. Convicted of a felony, misdemeanor or other offense that
11 carries a penalty of at least 9 months in a prison or county jail, the circumstances of
12 which substantially relate to the circumstances of the particular job.

13

(END)